

1 Anna Y. Park, SBN 164242
2 Sue Noh, SBN 192134
3 U.S. EQUAL EMPLOYMENT
4 OPPORTUNITY COMMISSION
5 255 East Temple Street, Fourth Floor
6 Los Angeles, CA 90012
7 Telephone: (213) 894-1083
8 Facsimile: (213) 894-1301
9 E-Mail: lado.legal@eeoc.gov

10 Rumduol Vuong, SBN 264392
11 U.S. EQUAL EMPLOYMENT
12 OPPORTUNITY COMMISSION
13 2300 Tulare Street, Suite 215
14 Fresno, CA 93721
15 Telephone: (559) 487-5135
16 Facsimile: (559) 487-5053
17 E-Mail: rumduol.vuong@eeoc.gov

18 Attorneys for Plaintiff
19 U.S. EQUAL EMPLOYMENT
20 OPPORTUNITY COMMISSION

21
22 **UNITED STATES DISTRICT COURT**
23 **EASTERN DISTRICT OF CALIFORNIA**

24 U.S. EQUAL EMPLOYMENT
25 OPPORTUNITY COMMISSION,

26 Plaintiff,

27 vs.

28 Z FOODS d/b/a ZORIA FARMS, ZORIA
FARMS INC., and Does 1-10 Inclusive,

Defendants.

) Case No.:

) **COMPLAINT—TITLE VII**

- **Sexual Harassment**
- **Retaliation**

) **JURY TRIAL DEMAND**

NATURE OF THE ACTION

29 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
30 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation,
and to provide appropriate relief to Charging Parties and other individuals who were adversely

1 affected by such practices. As set forth with greater particularity in paragraphs 20 to 35 of this
2 Complaint, Plaintiff United States Equal Employment Opportunity Commission (“Plaintiff” or
3 “Commission”) alleges that Defendants subjected Charging Party Rocio Guevara, Mireye Torres,
4 Rosa Mendez, Rosario Huerta, and other female employees to sexual harassment during their
5 employment with Defendants Zoria Farms, Inc., and Z Foods d/b/a Zoria Farms (“Z Foods” or
6 “Defendants”). Further, Plaintiff alleges that Defendants subjected Charging Parties Eder Cruz
7 Ortiz, Jose Dieguez, Maria Sara Coronado, Barcilia Alvarez, Rosa Mendez, and Mireye Torres to
8 retaliation for opposing unlawful discrimination. Lastly, Plaintiff alleges that Charging Parties
9 Arnulfo Guevara and Carols Garcia to retaliation because of their association with individuals
10 opposing unlawful employment practices.

11 **JURISDICTION AND VENUE**

12 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
13 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of
14 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)
15 (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

16 2. The employment practices alleged to be unlawful were and are now being
17 committed within the jurisdiction of the United States District Court for the Eastern District of
18 California.

19 **PARTIES**

20 3. The Commission is an agency of the United States of America, charged with the
21 administration, interpretation and enforcement of Title VII, and is expressly authorized to bring
22 this action by Section 706(f)(1) and (3) Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

23 4. At all relevant times, Defendants Z Foods has continuously been an employer
24 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
25 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

26 5. At all relevant times, Defendants Z Foods has continuously been a corporation
27 doing business in the State of California, and has continuously had at least 15 employees.

28 6. At all relevant times prior to September 2008, Zoria Farms Inc. had been an

1 employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g)
2 and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

3 7. At all relevant times prior to September 2008, Zoria Farms Inc. had been a
4 corporation doing business in the State of California, and had at least 15 employees.

5 8. All of the acts and failures to act alleged herein were duly performed by and
6 attributable to all Defendants, each acting as a successor, agent, alter ego, employee, indirect
7 employer, joint employer, integrated enterprise and/or or under the direction and control of the
8 others, except as specifically alleged otherwise. Said acts and failures to act were within the
9 scope of such agency and/or employment, and each Defendants participated in, approved and/or
10 ratified the unlawful acts and omissions by the other Defendants complained of herein.
11 Whenever and wherever reference is made in this Complaint to any act by Defendants, such
12 allegations and reference shall also be deemed to mean the acts and failures to act of each
13 Defendants acting individually, jointly, and/or severally.

14 9. All of the acts and failures to act alleged herein occurring prior to September 2008
15 is attributable to Defendants Z Foods as a successor to Zoria Farms Inc.

16 10. Z Foods continued operations at the same facility and performed the same type of
17 business as its predecessor Zoria Farms Inc. Defendants Z Foods also employed a substantial
18 number of the same employees as its predecessor, including the previous owner of Zoria Farms
19 Inc and plant manager.

20 11. Z Foods had notice of potential liability as upper management retained by Z
21 Foods knew of the complaints of sexual harassment and retaliation, including the charges of
22 discrimination filed with the Commission.

23 12. Prior to its acquisition, Z Foods was aware that charges of discrimination had
24 been filed against Zoria Farms.

25 13. Plaintiff is ignorant of the true names and capacities of each Defendants sued as
26 DOES 1 through 10, inclusively, and therefore Plaintiff Commission sues said Defendants(s) by
27 fictitious names. Plaintiff reserves the right to amend the complaint to name each DOE
28 Defendants individually or collectively as they become known. Plaintiff alleges that each DOE

Defendants was in some manner responsible for the acts and omissions alleged herein and Plaintiff will amend the complaint to allege such responsibility when the same shall have been ascertained by Plaintiff.

STATEMENT OF CLAIMS

14. More than thirty days prior to the institution of this lawsuit, Charging Parties Rosa Mendez, Rocio Guevara, Rosario Huerta, Mireye Torres, Eder Cruz Ortiz, Jose Dieguez, Maria Sara Coronado, Barcilia Carina Barajas Alvarez, Arnulfo Guevara, and Carlos Garcia filed charges of discrimination with Plaintiff alleging violations of Title VII by Defendants.

15. On July 29, 2011, the Commission issued Letters of Determination finding that the Charging Parties Rosa Mendez, Rocio Guevara, Rosario Huerta, Maria Sara Coronado, Mireye Torres and other similarly situated individuals were subjected to unlawful employment discrimination based upon their sex (female) in violation of Title VII.

16. On July 29, 2011, the Commission issued Letters of Determination finding that Charging Parties Eder Cruz Ortiz, Jose Dieguez, Barcilia Carina Barajas Alvarez, Mireye Torres, Rosa Mendez, Rosario Huerta, Maria Sara Coronado, and other similarly situated individuals were subjected to retaliation for their opposition to unlawful employment practices in violation of Title VII.

17. On July 29, 2011, the Commission further issued Letters of Determination, finding that Charging Parties Arnulfo Guevara, Carlos Garcia, and other similarly situated individuals were subjected to retaliation for their association with individuals opposing unlawful employment practices in violation of Title VII.

18. Prior to instituting this lawsuit, Plaintiff attempted to eliminate the unlawful employment practices herein alleged and to effect voluntary compliance with Title VII through informal methods of conciliation, conference, and persuasion within the meaning of Section 706(b) of Title VII, 42 U.S.C. Sections 2000e-5(b) and 2000e-6, including but not limited to a conciliation conference with Defendants' representatives.

19. All conditions precedent to the institution of this lawsuit has been fulfilled.

20. Martin Ramirez worked as a dried fruit supervisor at Zoria Farms Inc in the

1 Madera facility. In 2007, Mr. Ramirez began subjecting Rosa Mendez to sexual harassment,
2 including but not limited to hugging her from behind, grabbing her buttocks, rubbing her arm,
3 following her, telling her that she was pretty and making comments regarding her physical
4 appearance. Mr. Ramirez further offered Ms. Mendez a better position in exchange for sex.

5 21. This conduct was unwelcome by Ms. Mendez and she complained to Zoria Farms
6 Inc.'s human resource manager but no corrective action was taken.

7 22. Mr. Ramirez similarly subjected Rosario Huerta and other female employees to
8 unwelcome verbal comments and conduct of a sexual nature.

9 23. Such comments by Mr. Ramirez included, but were not limited to, telling female
10 employees that they were pretty, he wanted to have sex with them, and if they slept with him
11 they would get a better post.

12 24. Mr. Ramirez further subjected female employees to unwelcome conduct,
13 including but not limited to, hugging and kissing female employees, following female employees
14 to the bathroom, staring at female employees, and sending unwanted gifts to female employees.

15 25. Several female employees complained to their immediate supervisors and to
16 human resources about sexual harassment. Defendants failed to take appropriate remedial action
17 in response to these complaints and subjected these employees to retaliation, including but not
18 limited to termination.

19 26. On or about April 2008, Eder Cruz Ortiz, Jose Dieguez, and other employees
20 presented complaints about Ramirez' behavior towards female employees at a meeting with
21 Zoria Farms Inc.'s human resource manager and management, including Jill Brooks.

22 27. In June 2008, Z Foods took over operations and ownership of the Madera facility.
23 Workers who were previously employed by Zoria Farms Inc were rehired by Z Foods, including
24 John Zoria, the previous owner of Zoria Farms Inc., and Jill Brooks.

25 28. The workers who organized the meeting and complained about Ramirez's conduct
26 in April 2008 were not rehired because of their opposition to Ramirez's harassment.

27 29. Since at least 2000, Defendants employed Francisco Guerra as a fresh fruit
28 supervisor. In 2008, Mr. Guerra subjected Rocio Guevara to sexual harassment, including but

1 not limited to the following conduct: harassing telephone calls in which Mr. Guerra asked Ms.
2 Guevara to go on dates with him, numerous comments about Ms. Guevara's body, telling Ms.
3 Guevara that he was in love with her, offering to promote Ms. Guevara if she went out with him,
4 having other female employees proposition Ms. Guevara to "have a sexual adventure" with
5 Guerra at work, invading Ms. Guevara's personal space by standing directly behind her as she
6 worked, and leering at Ms. Guevara.

7 30. Ms. Guevara complained to her supervisor in September 2008 about Mr. Guerra's
8 conduct. Defendants failed to take corrective action in response to the complaint.

9 31. Throughout his employment with Defendants, Francisco Guerra also subjected
10 other female employees to sexual harassment, including not limited to the following conduct:
11 Guerra identified which female employees were good at oral sex, Guerra discussed sexual
12 positions, Guerra commented about female employees' physical appearances, Guerra
13 propositioned female employees with promotions in exchange for sex, Guerra threatened other
14 female employees that their continued employment with Defendants would be dependent on
15 them acquiescing to his advances, Guerra leered at female employees' buttocks, Guerra
16 subjected female employees to unwanted touching, and Guerra enlisted other employees to
17 solicit female employees on his behalf.

18 32. Defendants failed to exercise reasonable care to prevent and promptly correct the
19 sexually harassing behavior, including but not limited to failing to provide information to its
20 employees regarding sexual harassment and the company procedures for complaining about
21 harassment.

22 33. Defendants retaliated against Eder Cruz Ortiz, Mireye Torres, Rosa Mendez, Jose
23 Dieguez, Rosario Huerta, Maria Sara Coronado, and Barcilia Alvarez for their opposition to
24 unlawful harassment by failing to rehire them.

25 34. Defendants retaliated against Arnulfo Guevara and Carlos Garcia. Defendants
26 terminated Arnulfo Guevara after and as a result of his sister Rocio Guevara's opposition to
27 sexual harassment. After Arnulfo Guevara filed a charge of discrimination, Defendants
28 subsequently terminated Carlos Garcia (Arnulfo Guevarra's brother-in-law) in retaliation for

1 Arnulfo Guevarra's charge of discrimination.

2 35. The effect of the practices complained of in paragraphs 20 to 34 above has been
3 to deprive Charging Party Rocio Guevara and similarly situated individuals of equal employment
4 opportunities and otherwise adversely affects their status as employees because of their sex.

5 36. The effect of the practices complained of in paragraphs 20 to 34 above has been
6 to deprive Charging Parties Carlos Garcia and Arnulfo Guevara of equal employment
7 opportunities and otherwise adversely affects their status as employees because they were
8 associated with an individual who opposed discrimination.

9 37. The effect of the practices complained of in paragraphs 20 to 34 above has been
10 to deprive Charging Parties and similarly situated individuals of equal employment opportunities
11 and otherwise adversely affects their status as employees because of their engagement in
12 protected activities in opposition to unlawful employment practices and/or their association with
13 individuals who engaged in such activities.

14 38. The unlawful employment practices complained of in paragraph 20 to 34 above
15 were intentional and caused Charging Parties and similarly situated individuals to suffer
16 emotional distress.

17 39. The unlawful employment practices complained of in paragraphs 20 to 34 above
18 were and are done with malice or with reckless indifference to the federally protected rights of
19 Charging Parties and other similarly situated individuals.

20 **PRAYER FOR RELIEF**

21 Wherefore, the Commission respectfully requests that this Court:

22 A. Grant a permanent injunction enjoining Defendants, its officers, successors,
23 agents, servants, employees, attorneys, and all persons in active concert or participation with
24 them from engaging in sexual harassment, retaliation, and any other employment practice which
25 discriminates on the basis of sex.

26 B. Order Defendants to institute and carry out policies, practices, and programs
27 which provide equal employment opportunities for women, and which eradicate the effects of its
28 past and present unlawful employment practices.

1 C. Order Defendants to make whole Charging Parties and similarly situated
2 individuals in amounts to be determined at trial, and other affirmative relief necessary to
3 eradicate the effects of its unlawful employment practices, including but not limited to
4 reinstatement of Charging Parties or front pay in lieu thereof.

5 D. Order Defendants to make whole Charging Parties and similarly situated
6 individuals by providing compensation for past and future pecuniary losses resulting from the
7 unlawful employment practices described in paragraphs 20 to 34 above, including but not limited
8 to job search expenses and relocation expenses, prejudgment interest on lost pay and benefits in
9 amounts to be determined at trial.

10 E. Order Defendants to make whole Charging Parties and similarly situated
11 individuals by providing compensation for past and future non-pecuniary losses resulting from
12 the unlawful practices complained of in paragraph 20 to 34 above, including but not limited to
13 emotional pain, suffering, loss of enjoyment of life, and humiliation, in amounts to be
14 determined at trial.

15 F. Order Defendants to pay Charging Parties and similarly situated individuals
16 punitive damages for its malicious and reckless conduct described in paragraphs 20 to 34 above,
17 in amounts to be determined at trial.

18 G. Grant such further relief as the Court deems necessary and proper in the public
19 interest.

20 H. Award the Commission its costs of this action.

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23 ///

24 ///

25 ///

26 ///

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Dated: September 24, 2013

Respectfully Submitted

P. DAVID LOPEZ,
General Counsel

JAMES LEE,
Deputy General Counsel

GWENDOLYN YOUNG REAMS,
Associate General Counsel

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
131 "M" Street, N.E.
Washington, D.C. 20507

By: 

ANNA Y. PARK,
Regional Attorney

SUE NOH,
Supervisory Trial Attorney

RUMDUOL VUONG,
Trial Attorney

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS United States Equal Employment Opportunity Commission	DEFENDANTS Z Foods d/b/a Zoria Farms, Zoria Farms Inc., and DOES 1-10, Inclusive
(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)	County of Residence of First Listed Defendant <u>Madera</u> (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorneys (Firm Name, Address, and Telephone Number) U.S. Equal Employment Opportunity Commission 255 E. Temple Street, Fourth Floor Los Angeles, CA 90012 (213) 894-1083	NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
☒ 1 U.S. Government Plaintiff	<table> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td></td> <td>☐ 1</td> <td>☐ 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td>☐ 4</td> <td>☐ 4</td> </tr> <tr> <td></td> <td>☐ 2</td> <td>☐ 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>☐ 5</td> <td>☐ 5</td> </tr> <tr> <td></td> <td>☐ 3</td> <td>☐ 3</td> <td>Foreign Nation</td> <td>☐ 6</td> <td>☐ 6</td> </tr> </table>		PTF	DEF		PTF	DEF		☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4		☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5		☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6
	PTF	DEF		PTF	DEF																				
	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4																				
	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5																				
	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6																				
☐ 3 Federal Question (U.S. Government Not a Party)																									
☐ 2 U.S. Government Defendant																									
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)																									

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT ☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	TORTS PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	FORFEITURE/PENALTY ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other	BANKRUPTCY ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157	OTHER STATUTES ☐ 375 False Claims Act ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark	SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g))
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☒ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities Employment ☐ 446 Amer. w/Disabilities Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding	☐ 2 Removed from State Court	☐ 3 Remanded from Appellate Court	☐ 4 Reinstated or Reopened	☐ 5 Transferred from Another District (specify)	☐ 6 Multidistrict Litigation
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VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
	42 U.S.C § 2000e et seq.
	Brief description of cause: Sex discrimination (female-hostile work environment) and retaliation

VII. REQUESTED IN COMPLAINT:	☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$	CHECK YES only if demanded in complaint:
			JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE	SIGNATURE OF ATTORNEY OF RECORD
09/24/2013	/s/ Anna Y. Park, Regional Attorney

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Anna Y. Park, SBN 164242
Sue Noh, SBN 192134
Rumduol K. Vuong, SBN 264392
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
255 East Temple Street, Fourth Floor
Los Angeles, CA 90012
Telephone: (213) 894-1083
Facsimile: (213) 894-1301
E-Mail: lado.legal@eeoc.gov

Attorneys for Plaintiff
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

Z FOODS d/b/a ZORIA FARMS, ZORIA
FARMS INC., and DOES 1-10, Inclusive,
Defendants.

Case No.:

**CERTIFICATION AND NOTICE OF
INTERESTED PARTIES**

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for Plaintiff, U.S. Equal Employment Opportunity Commission, certifies that the following listed parties have a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal.

PARTY CONNECTION

(List the names of all such parties and identify their connection and interest.)

PARTY
U.S. EEOC

CONNECTION
Plaintiff

Rocio Guevara	Interested Party
Arnulfo Guevara	Interested Party
Carlos Garcia	Interested Party
Eder Cruz Ortiz	Interested Party
Jose Dieguez	Interested Party
Barcilia Carina Barajas Alvarez	Interested Party
Mireye Torres	Interested Party
Rosa Mendez	Interested Party
Rosario Huerta	Interested Party
Maria Sara Coronado	Interested Party
Zoria Farms Inc.	Defendant
Z Foods d/b/a Zoria Farms	Defendant

Date: September 24, 2012

BY:

/s/ Rumduol Vuong

Rumduol Vuong

Trial Attorney

U.S. Equal Employment Opportunity
Commission, Fresno Local Office